

ITEM # \_\_\_\_\_

Prepared by: Bill Goss

Approved by: Christy L. Kinard  
Assistant County

Attorney

RESOLUTION TO APPROVE THE TRANSFER OF THE COUNTY'S JOINT OWNERSHIP RIGHTS IN AND TO THE MISSISSIPPI RIVER GREENBELT PARK, INCLUDING ALL EXISTING PARK IMPROVEMENTS, EQUIPMENT AND INVENTORY THEREON, TOGETHER WITH A TOTAL OF 208.85 ACRES OF LAND UPON WHICH IT IS SITUATED, LOCATED ALONG THE EAST AND WEST SIDES OF ISLAND DRIVE AND ALONG THE NORTH SIDE OF MUD ISLAND DRIVE ON MUD ISLAND IN THE CITY OF MEMPHIS, TO THE CITY OF MEMPHIS, WITHOUT MONETARY CONSIDERATION, FOR ITS CONTINUED DEVELOPMENT, OPERATION AND MAINTENANCE FOR PUBLIC OUTDOOR RECREATIONAL PURPOSES.

Sponsored by: Commissioner Mike Carpenter

WHEREAS, Shelby County Government and the Shelby County Conservation Board, due to budgetary constraints, are desirous of decreasing their ongoing expense of developing, operating and maintaining a county-wide park system by transferring the ownership of all existing County owned parks, located within each municipality and its annexation reserve areas, along with all obligations, duties, responsibilities and liabilities associated therewith, to the respective municipal government for its continued development, operation, maintenance and use of the parks for public outdoor recreational purposes; and

WHEREAS, Between 1971 and 1979, an assembled tract of land totaling 208.85 acres, located along the east and west sides of Island Drive and along the north side of Mud Island Drive on Mud Island, was jointly acquired by the City of Memphis and the County of Shelby, for the use and benefit of the Shelby County Conservation Board, by various Deeds of record, upon which tract of land Mississippi River Greenbelt Park has subsequently been constructed, developed, operated and maintained; and

WHEREAS, The City of Memphis and the County of Shelby, for the use and benefit of the Shelby County Conservation Board, jointly acquired 198.95 acres of the said 208.85 acres by Deeds of record as described in the Register's Office of Shelby County, Tennessee, in the Register's Official Record Book under Instrument Numbers K2 0827, G5 9999, G8 2545, G2 9837, R2 4034 and G8 1901 and further described as Tax Parcel Nos. 069077 00034, 069077 00010Z, 069077 00025, 069077 00024, 069077 00009Z, 069077 00021, 001001 00004Z, 001001 00014, 001001 00008Z, 001001 00010, 001001 00009Z and 001001 00016; and

WHEREAS, The City of Memphis and the County of Shelby jointly acquired 9.90 acres of the said 208.85 acres by Deeds of record as described in the Register's Office of Shelby County, Tennessee, in the Register's Official Record Book under Instrument Numbers K7 9676 and J9 7330 and further described as Tax Parcel Nos. 069077 00014, 069077 00027 and 069077 00011Z; and

WHEREAS, The City of Memphis is agreeable to taking over the full ownership, operation, maintenance, and future development of Mississippi River Greenbelt Park, including the hereinabove described land and all existing park improvements, equipment and inventory thereon, along with all of the obligations, duties, responsibilities and liabilities associated therewith; and

WHEREAS, The Shelby County Conservation Board reviewed this matter and afterwards, approved a motion during its regularly scheduled meetings on June 27, 2007 and July 18, 2007 recommending the transfer of its joint ownership rights in and to the Mississippi River Greenbelt Park, including the hereinabove described land and all existing park improvements, equipment and inventory thereon, together with a total of 208.85 acres of land upon which it is situated to the City of Memphis, without monetary consideration, under certain terms and conditions contained in the attached Interagency Cooperation Contract, which is hereby incorporated herein by reference; and

WHEREAS, The general public would best be served having all of its local parks under direct ownership by the municipal government having jurisdiction of the areas within which the parks are located, and, therefore, it is deemed to be in the best interest of Shelby County and the Shelby County Conservation Board to transfer the ownership, operation, maintenance, and future development of the Mississippi River Greenbelt Park, including the hereinabove described land and all existing park improvements, equipment, and inventory thereon, along with all of the obligations, duties, responsibilities and liabilities associated therewith to the City of Memphis, without monetary consideration, under the terms and conditions contained in the attached Interagency Cooperation Contract.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the transfer of the County's joint ownership rights in and to the Mississippi River Greenbelt Park, including the hereinabove described land and all existing park improvements, equipment, and inventory thereon, along with all of the obligations, duties, responsibilities and liabilities associated therewith, to the City of Memphis, without monetary consideration, under the terms and conditions contained in the attached Interagency Cooperation Contract, be and the same is hereby approved.

BE IT FURTHER RESOLVED, That the County Mayor be and is hereby authorized to execute the attached Interagency Cooperation Contract and any other documents, including, but not limited to, a Quit Claim Deed and Bill of Sale, necessary to effect the transfer of ownership, operation, maintenance, and future development of the Mississippi River Greenbelt Park, including the hereinabove described land and all existing park improvements, equipment, and inventory thereon, along with all of the obligations, duties, responsibilities and liabilities associated therewith to the City of Memphis for public outdoor recreational purposes.

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A C Wharton, Jr.  
County Mayor

Date: \_\_\_\_\_

ATTEST:

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Clerk of County Commission

ADOPTED \_\_\_\_\_